



Rep. Jay Hoffman

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LRB098 03768 MLW 43594 a

1 AMENDMENT TO HOUSE BILL 923

2 AMENDMENT NO. _____. Amend House Bill 923 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Payments for Construction Services Reporting Act.

6 Section 5. Definitions. In this Act, unless the context
7 clearly requires otherwise:

8 "Construction services" includes, but is not limited to,
9 the erection, excavation, installation, alteration, addition,
10 modification, repair, improvement, demolition, deconstruction,
11 dismantling, or removal of all or any part of a building,
12 structure, dock, wharf, surface, or subsurface on or attached
13 to any real property.

14 "Construction service provider" means a general contractor
15 or specialty contractor that provides construction services.

16 "Entity" includes, but is not limited to, a sole

1 proprietor, partnership, corporation, limited liability
2 company, trust, association, financial institution,
3 governmental entity other than the federal government, and any
4 other individual or group engaged in a trade, occupation,
5 enterprise, governmental function, or similar activity in this
6 State.

7 "Payment" does not include wages paid by the entity to an
8 employee.

9 Section 10. Construction service provider payment reports.

10 (a) An entity that in the course of business makes a
11 payment of \$600 or more in a taxable year to a construction
12 service provider for performing construction services shall
13 report the payment to the Department of Labor and the
14 construction service provider in a manner prescribed by the
15 Department.

16 (b) The report must be transmitted by the entity to the
17 Department and the construction service provider on or before
18 January 31 following the taxable year in which the payment was
19 made. The report must include:

20 (1) the entity's name, address, and unified business
21 identification number;

22 (2) the construction service provider's name, address,
23 and federal employer identification number;

24 (3) the total amount the entity paid to the
25 construction service provider in the taxable year,

1 including payments for services and for any materials and
2 equipment that were provided along with services; and

3 (4) any other information that the Department requires
4 by rule.

5 (c) The Department may share the report, upon request, with
6 any other local, State, or federal government agency.

7 (d) Except as provided in subsection (c), reports filed
8 under this Section are confidential and exempt from public
9 disclosure other than to public employees in performance of
10 their official duties. However, the name of the reporting
11 entity and the name and address of the construction service
12 provider shall be disclosed upon request by the general public
13 under the Freedom of Information Act.

14 (e) If the Department determines that an entity has failed
15 to file a report or has filed an incomplete report, the
16 Department may assess a monetary penalty of not less than \$200
17 and not more than \$1,000 per report. If the Department
18 determines that an entity has knowingly failed to file a report
19 or knowingly filed an incomplete, false, or misleading report,
20 the Department may assess a monetary penalty of not less than
21 \$1,000 and not more than \$5,000 per report. An entity that is
22 assessed a penalty under this subsection shall not be permitted
23 to bid, or have a bid considered, on any public works contract
24 until the penalty has been paid in full. Penalties assessed
25 under this subsection shall be deposited into the General
26 Revenue Fund.

1 (f) The requirements of this Section do not apply to an
2 entity that does not regularly contract for construction
3 services, as defined by the Department.

4 (g) The Department may adopt rules to implement and enforce
5 this Section.

6 Section 15. Bid restriction. A contractor and its related
7 entity shall not be allowed to bid on any public works
8 contracts subject to the Prevailing Wage Act for one year from
9 the date of the final determination that the contractor
10 violated this Act.".